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#10

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/727,505	01/17/97	BROWN	P NRWB:003

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EXAMINER

GRANT, C

ART UNIT	PAPER NUMBER
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2711

14

DATE MAILED: 12/23/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/727,505

Applicant(s)  
BROWN

Examiner  
Christopher Grant

Group Art Unit  
2711



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 8-19 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 16-19 is/are allowed.

☒ Claim(s) 8-15 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3,5,7,9,10,11,12,13 (9 sheets)

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Whyte et al. (Whyte) (4,142,178) (provided by applicant).

Considering claim 8, Whyte discloses a network linking a plurality of premises comprising:

a) a section of broadband telecommunications network (46, 68, 52);

b) a plurality of electrical power cables (26,28,36A,40A,38A) connected to plural premises (42) and external to the premises (see the entire reference including but not limited to col. 5, lines 50-63);

c) each of the power cables also being connected (60) to the section of broadband telecommunications network so that the telecommunication signals are transmissible between the section of broadband telecommunication network and the power cables; and

d) wherein the telecommunication signal is transmissible to and/or from the premises (42) by being transmitted along the section of broadband telecommunications network and also along the respective power cable (26,28,36A,40A,38A, col. 5, lines 50-63) of each premises.

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Claim 11 is met by telephone lines (twisted pair) discussed in col. 5, lines 35-38.

Considering claim 13, Whyte discloses a method of transmitting a telecommunications signal between a pair of buildings including the steps of:

- a) transmitting the signal from a first building (at central station 46,68,52) along an external power cable (26,28) cable for supplying mains power to the first building;
- b) transmitting the signal along a section of broadband telecommunication network (70 or 72);
- c) transmitting the signal along a second external cable (36A,40A,38A, col. 5, lines 50-63) for supplying the mains electrical power to the second building (at premises 42)

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whyte and Dekker et al. (Dekker) and Strieby (1,547,242).

Considering claim 12, Whyte discloses a network linking a plurality of premises comprising:

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- a) a section of broadband telecommunications network (46, 68, 52);
- b) a plurality of electrical power cables (26,28,36A,40A,38A) connected to plural premises (42) and external to the premises (see the entire reference including but not limited to col. 5, lines 50-63);
- c) each of the power cables also being connected (60) to the section of broadband telecommunications network so that the telecommunication signals are transmissible between the section of broadband telecommunication network and the power cables;
- d) wherein the telecommunication signal is transmissible to and/or from the premises (42) by being transmitted along the section of broadband telecommunications network and also along the respective power cable (26,28,36A,40A,38A, col. 5, lines 50-63); of each premises; and
- e) twisted pair (telephone lines: col. 5, lines 35-38).

However, Whyte fails to specifically disclose a satellite receiving means for receiving telecommunications signals from a satellite transmitter and a high pass filter as recited in the claim.

Strieby discloses a network for transmitting high frequency signals to plural premises over power lines with the use of high pass filters for allowing high frequency signals to pass between the broadband network (T) and the power cables (1,2,3). A high pass filter is necessary for extracting the telecommunication signal from the power lines for reception by a receiving device (i.e. to obtain or send only telecommunication signals to the receiver device and not power signals).

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Dekker discloses a satellite receiver (1,2) for receiving telecommunications signals from a satellite transmitter for transmitting the telecommunications signal to plural premises. Satellite transmitters/receivers provide efficient communication of signals over long or wide areas without the cumbersome use of cables.

It would have been obvious to one of ordinary skill in the art to modify Whyte's system to include a high pass filter for allowing high frequency signals to pass between the broadband network and the power cables, as taught by Strieby, for the advantage of extracting the telecommunication signal from the power lines for reception by a telecommunication receiving device.

Additionally, it would have been obvious to one of ordinary skill in the art to modify the combined systems of Whyte and Strieby to include a satellite receiving means for receiving telecommunications signals from a satellite transmitter, as taught by Dekker, for the common advantage of re-transmitting telecommunication signals received from satellite sources to plural premises (i.e. receiving signals from alternative wireless sources).

5. Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whyte and Dekker.

Considering claims 9 and 15, Whyte discloses all the claimed subject matter above except for a satellite receiving means for receiving telecommunications signals from a satellite transmitter as recited in the claims.

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Dekker discloses a satellite receiver (1,2) for receiving telecommunications signals from a satellite transmitter for transmitting the telecommunications signal to plural premises. Satellite transmitters/receivers provide efficient communication of signals over long or wide areas without the cumbersome use of cables.

It would have been obvious to one of ordinary skill in the art to modify Whyte's system to include a satellite receiving means for receiving telecommunications signals from a satellite transmitter, as taught by Dekker, for the common advantage of re-transmitting telecommunication signals received from satellite sources to plural premises (i.e. receiving signals from alternative wireless sources).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whyte and Strieby.

Considering claim 10, Whyte discloses all the claimed subject matter above except for a high pass filter as recited in the claim.

Strieby discloses a network for transmitting high frequency signals to plural premises over power lines with the use of high pass filters for allowing high frequency signals to pass between the broadband network (T) and the power cables (1,2,3). A high pass filter is necessary for extracting the telecommunication signal from the power lines for reception by a receiving device (i.e. to obtain or send only telecommunication signals to the receiver device and not power signals).

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It would have been obvious to one of ordinary skill in the art to modify Whyte's system to include a high pass filter for allowing high frequency signals to pass between the broadband network and the power cables, as taught by Strieby, for the advantage of extracting the telecommunication signal from the power lines for reception by a telecommunication receiving device.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whyte and Abraham (W0 90/13950) (provided by applicant).

Considering claim 14, Whyte discloses all the claimed subject matter above except for the carrier frequency of the telecommunication signal to be at least 1MHz as recited in the claim.

Abraham discloses a network for transmitting 1MHz carrier frequency telecommunication signals to plural premises over power lines. See the entire reference including but not limited to page 4 (third paragraph) and page 12 (third paragraph). The 1MHz telecommunication signal is applied over power lines for communication to LANs and phone lines.

It would have been obvious to one of ordinary skill in the art to modify Whyte's system to include the carrier frequency of the telecommunication signal to be at least 1MHz, as taught by Abraham, for the advantage of transmitting/receiving signals from high frequency sources such as large bandwidth computer data and television networks.

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*Allowable Subject Matter*

8. Claims 16-19 are allowed.

*Conclusion*

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

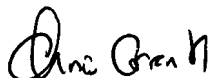
(703) 308-5359 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Grant whose telephone number is (703) 305-4755. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 3900.



Chris Grant  
Primary Examiner  
December 16, 1999